

REMARKS

Claims 1-24 remain pending in the application.

35 U.S.C. § 103(a) Rejections:

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitney, U.S. Patent 5,812,214, in view of Sugauchi, U.S. Patent 6,041,349, and in further view of Wang, U.S. Patent 6,757,242. Applicant respectfully traverses this rejection.

The proposed combination would change Whitney's principle of operation. The teachings of the prior art references were discussed in previous office action responses. Independent claim 1 recites, in pertinent part:

“a storage unit configured to store a domain list and a path list, wherein the domain list comprises a domain defined in a system and the path list comprises at least two paths available for communications between the domain and the system control unit; and
a control unit communicatively coupled to the storage unit, the control unit configured to determine an active path from the at least two available paths and to transmit data from the system control unit to the domain over the active path, and wherein the control unit is further configured to change the active path to another of the at least two available paths”
(Emphasis added)

Independent claims 10 and 19 recite similar combinations of features.

In the office action, the Examiner acknowledges that Whitney does not clearly disclose the path list and the control unit configured to determine an active path. To remedy this deficiency, the Examiner proposes incorporating Sugauchi and Wang with

Whitney to obtain the claimed combination of features. However, such a combination would change the principle of operation of Whitney.

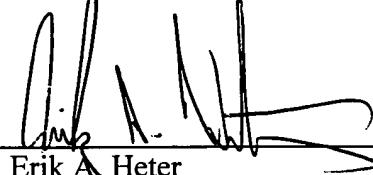
As noted in a previous office action response, Whitney teaches a file system that resolves logical path names into physical addresses. Applicant submits that a path name as used in Whitney (and many other file systems) corresponds to an abstraction that yields a pointer to single entity (e.g., file, object, etc.). In many file systems, there may be multiple hierarchical layers of such abstractions. In Whitney, the abstraction is translated (or resolved) into a physical address that points to a location such as a storage location, for example. Applicant further submits that a path name in Whitney, even when translated, is still just a pointer and not a physical communication path to an entity. Applicant therefore submits that **modifying Whitney in the manner proposed by the Examiner would thus change its principle of operation**. MPEP 2143.01(VI) clearly states that **if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to the claims *prima facie* obvious**. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. § 103(a) rejection.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-52100/EAH.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Erik A. Heter', is written over a horizontal line.

Erik A. Heter
Reg. No. 50,652
AGENT FOR APPLICANT(S)

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